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Via ECF

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Macolor v. Libiran, et al.*, 14 Civ. 4555 (JMF) (SDNY)

Dear Judge Furman:

I write on behalf of plaintiff in response to the failure of defendants' counsel to respond to the Court's December 19, 2014 Order to Show Cause.

The Order directed defendants' counsel, Carlos Garcia, to show cause "why he should not be sanctioned again and/or referred to this Court's Grievance Committee for his willful failure to appear in a timely fashion" at the pre-trial conference scheduled for December 19, 2014.

Mr. Garcia was required to submit his response to the Order to Show Cause by December 24, 2014. Mr. Garcia has not submitted a response.

There is no excuse for Mr. Garcia's failure to appear on time for the last pre-trial conference. Mr. Garcia and I saw one another at a deposition on December 18, 2014, the evening before the pre-trial conference. We specifically discussed the fact that the conference was scheduled for 1:45 pm the next day. We also specifically discussed the need for Mr. Garcia to arrive on time, because he had been sanctioned by the Court for arriving more than an hour late to a prior Court conference.

It is shocking that Mr. Garcia would show up more than an hour late a second time under these circumstances. I ask the Court to impose whatever sanctions it deems appropriate.

Respectfully submitted,

*/s John J.P. Howley*

John J.P. Howley [JH9764]